

every inmate has the opportunity to have visits on both days of the weekend.

[51 FR 26127, July 18, 1986]

§ 540.43 Frequency of visits and number of visitors.

The Warden shall allow each inmate a minimum of four hours visiting time per month. The Warden may limit the length or frequency of visits only to avoid chronic overcrowding. The Warden may establish a guideline for the maximum number of persons who may visit an inmate at one time, to prevent overcrowding in the visiting room or unusual difficulty in supervising a visit. Exceptions may be made to any local guideline when indicated by special circumstances, such as distance the visitor must travel, frequency of the inmate's visits, or health problems of the inmate or visitor.

§ 540.44 Regular visitors.

An inmate desiring to have regular visitors must submit a list of proposed visitors to the designated staff. Staff shall compile a visiting list for each inmate after suitable investigation (see § 540.51(b)). The list may include:

(a) *Members of the immediate family.* These persons include mother, father, step-parents, foster parents, brothers and sisters, spouse, and children. These individuals are placed on the visiting list, absent strong circumstances which preclude visiting.

(b) *Other relatives.* These persons include grandparents, uncles, aunts, in-laws, and cousins. They may be placed on the approved list if the inmate wishes to have visits from them regularly and if there exists no reason to exclude them.

(c) *Friends and associates—* (1) *For Minimum and Low Security Level Institutions.* The visiting privilege shall ordinarily be extended to friends and other non-relatives, unless visits could reasonably create a threat to the security and good order of the institution;

(2) *For Medium and High Security Level Institutions and administrative institutions.* The visiting privilege shall ordinarily be extended to friends and associates having an established relationship prior to confinement, unless such visits could reasonably create a threat

to the security and good order of the institution. Exceptions to the prior relationship rule may be made, particularly for inmates without other visitors, when it is shown that the proposed visitor is reliable and poses no threat to the security or good order of the institution.

(d) *Persons with prior criminal convictions.* The existence of a criminal conviction alone does not preclude visits. Staff shall give consideration to the nature, extent and recentness of convictions, as weighed against the security considerations of the institution. Specific approval of the Warden may be required before such visits take place.

(e) *Children under sixteen.* Children under the age of 16 may not visit unless accompanied by a responsible adult. Children shall be kept under supervision of a responsible adult or a children's program. Exceptions in unusual circumstances may be made by special approval of the Warden.

[45 FR 44232, June 30, 1980, as amended at 56 FR 4159, Feb. 1, 1991]

§ 540.45 Business visitors.

No inmate is permitted to engage actively in a business or profession. An inmate who was engaged in a business or profession prior to commitment is expected to assign authority for the operation of such business or profession to a person in the community. Even though the inmate has turned over the operation of a business or profession to another person, there may be an occasion where a decision must be made which will substantially affect the assets or prospects of the business. In such cases, the Warden may permit a special visit.

§ 540.46 Consular visitors.

Whenever it has been determined that an inmate is a citizen of a foreign country, the Warden shall permit the consular representative of that country to visit on matters of legitimate business. The Warden may not withhold this privilege even though the inmate is in disciplinary status.

§ 540.47 Visits from representatives of community groups.

The Warden may approve as regular visitors, for one or more inmates, representatives from community groups such as civic and religious organizations, or other persons whose interests and qualifications for this kind of service are confirmed by staff. The Warden may waive the requirement for the existence of an established relationship prior to confinement for visitors approved under this section.

§ 540.48 Special visits.

The Warden may authorize special visits:

- (a) For clergy, former or prospective employers, sponsors, and parole advisors. Visits in this category serve such purposes as assistance in release planning, counseling, and discussion of family problems;
- (b) By an authorized visitor at other than regularly established visiting times, or in excess of regularly permitted visits;
- (c) By attorneys;
- (d) To pre-trial inmates to assist in protecting their business or in preparing for trial.

§ 540.49 Transportation assistance.

The Warden shall ensure that directions for transportation to and from the institution are provided for the approved visitor (see § 540.51(b)(4)). Directions for transportation to and from the institution and pay phone service, with commercial transportation phone numbers posted, are also to be made available at the institution to assist visitors.

§ 540.50 Visits to inmates not in regular population status.

(a) *Admission and holdover status.* The Warden may limit to the immediate family of the inmate visits during the admission-orientation period or for holdovers where there is neither a visiting list from a transferring institution nor other verification of proposed visitors.

(b) *Hospital patients.* (1) When visitors request to see an inmate who is hospitalized in the institution, the Chief Medical Officer (or, in his absence, the

Health Services Administrator), in consultation with the Captain, shall determine whether a visit may occur, and if so, whether it may be held in the hospital.

(2) Visits to inmates hospitalized in the community may be restricted to only the immediate family and are subject to the general visiting policy of that hospital.

(c) *Detention or segregation status.* Ordinarily, an inmate retains visiting privileges while in detention or segregation status. Visiting may be restricted or disallowed, however, when an inmate, while in detention or segregation status, is charged with, or has been found to have committed, a prohibited act having to do with visiting guidelines or has otherwise acted in a way that would reasonably indicate that he or she would be a threat to the orderliness or security of the visiting room. Loss of an inmate's visiting privileges for other reasons may not occur unless the inmate is provided a hearing before the Discipline Hearing Officer (DHO) in accordance with the provisions of § 541.17 of this chapter, following those provisions which are appropriate to the circumstances, which results in a finding by the DHO that the inmate committed a prohibited act and that there is a lack of other appropriate sanctions or that imposition of an appropriate sanction previously has been ineffective. The Unit Discipline Committee (UDC) may not impose a loss of visiting privileges for inmates in detention or segregation status. The provisions of this paragraph (c) do not interrupt or delay a loss of visiting sanction imposed by the UDC or DHO prior to the inmate's placement in detention or segregation status.

[45 FR 44232, June 30, 1980, as amended at 51 FR 26128, July 18, 1986; 58 FR 39095, July 21, 1993]

§ 540.51 Procedures.

(a) *Responsibility.* The Warden of the institution shall establish and enforce local visiting guidelines in accordance with the rules and regulations of the Bureau of Prisons.

(b) *Preparation of the list of visitors.* (1) Staff shall ask each inmate to submit